



France

Country Reports on Human Rights Practices - [2002](#)

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France is a constitutional democracy in which citizens directly elect the President and the National Assembly in periodic, free, and fair elections. The judiciary is independent.

The law enforcement and internal security apparatus consisted of the Gendarmerie, the national police, and municipal police forces. Civilian authorities maintained control of the security forces. Some members of the police forces committed human rights abuses.

The country's population was approximately 60 million. The highly developed, diversified, and primarily market-based economy provided residents with a high standard of living.

The Government generally respected the human rights of its citizens, although there were a few problems in some areas; the law and judiciary provide effective means of dealing with cases of individual abuse. There were instances of the abuse of detainees, particularly foreigners, and reports of the use of excessive force by law enforcement officers. Long delays in bringing cases to trial and lengthy pretrial detention were problems. Violence against women and children were problems, which the Government took steps to address. After an increase during the first half of the year, anti-Semitic incidents decreased during the second half of the year. There were instances of violence and discrimination against immigrants and religious minorities. Trafficking in women and girls was a problem, which the Government took steps to address. France was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of life

There were no reports of political killings by the Government or its agents. However, there were isolated incidents of law enforcement officers using excessive force, which may have led to the death of one person in custody. There was no evidence of a pattern of abuse.

In September Georges Mondesir died of a heart attack after police took him into custody for threatening a neighbor with a knife. At year's end, the court of Nanterre continued an investigation into allegations that the police used excessive force.

There were some deaths of persons in custody (see Section 1.c.).

In April Richard Durn, held for killing eight municipal officials in Nanterre, jumped to his death from a window in the office where police were questioning him. Administrative and judicial inquests determined that there was no official negligence in connection with Durn's suicide.

In a similar incident in December, Jerome H., a suspected pedophile, jumped to his death from the window of the interrogation room where he was being questioned by police. The Inspector General of Police Services opened an

investigation, which was ongoing at year's end.

In April 2000, a police officer shot and killed 25-year-old Ryad Hamlaoui while he was attempting to steal a car in Lille-Sud. The officer was prosecuted and convicted of voluntary manslaughter, although he claimed he acted in self-defense. In July the case was retried on appeal, and a jury reduced the finding to involuntary manslaughter and issued a suspended sentence of 3 months.

In 1997 a police officer shot and killed Abdel Kader Bouziane as he attempted to run into a police barricade in a stolen car. The officer claimed he acted to protect his colleague at the barricade, and in December 2001 the Orleans Court of Appeals dismissed the case against him.

The eight Breton militants allegedly involved in the 2000 lethal bombing of a restaurant near Dinan remained in custody while the investigation continued. Eight Corsican nationalists charged in the 1998 killing of Corsican Prefet Claude Erignac remained in custody. The Paris Court of Appeals rejected an appeal by four of them; the eight are to be tried in early 2003.

Former Vichy official Maurice Papon, who was convicted in 1998 and sentenced to 10 years imprisonment for complicity in crimes against humanity for signing orders leading to the deportation of 1,690 Jews from 1942 to 1944, appealed his sentence under a law passed in April that frees mortally ill prisoners who do not pose a threat to public order. On September 18, the Court of Appeals of Paris ruled that Papon, who is elderly and infirm, should be released on grounds of ill health. He was freed later that day. The Minister of Justice, the Prime Minister, and civic groups publicly condemned the decision. The Government appealed the decision to the Court of Cassation and sought Papon's return to prison. The case remained pending at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were allegations of isolated incidents in which law enforcement officers used excessive force. There was no evidence of a pattern of abuse. The authorities investigated alleged abuse by officials and punished those responsible when the allegations were substantiated. The Inspector General of the National Police and the Office of Judicial Police investigated and prosecuted allegations of police brutality. The independent National Commission on the Conduct of Police and Security Forces investigated and reported to the Prime Minister and Parliament on cases of misconduct by national and municipal police, gendarmes, and private security forces. The National Consultative Commission on Human Rights also monitored police conduct.

On February 22, police reportedly physically assaulted and shouted racial insults at French national Karim Latifi after he interrupted police officers in the process of questioning a group of youths at a roadblock in Paris. Approximately 15 other officers reportedly were implicated in the subsequent assault, striking him with truncheons and punching and kicking him. He received serious head injuries and a broken nose. The public prosecutor of Paris opened an inquiry into the case, which continued at year's end.

Government authorities continued to be concerned about violence in Corsica. The Corsican National Liberation Front claimed responsibility for 12 bombings this year; there were many other bombings that had not been claimed but were under investigation to determine whether their motivation was political or criminal. By year's end, investigations continued in the killings of three members of the Armata Corsa and the 2000 shooting deaths of former Corsican nationalist militant Jean-Michel Rossi and his bodyguard.

The Government took steps to address the concerns of Corsican nationalists. In December 2001, Parliament approved the Matignon Agreement of 2000 that gives Corsica greater autonomy. However, in January the Constitutional Council declared that the first article violated the Fifth Republic's constitutional prohibition against delegating legislative authority to local or regional assemblies. At year's end, both the National Assembly and the Senate approved an extensive decentralization reform package that includes measures to reform the Constitution to allow delegation of authority in the manner called for by the Matignon Agreement. A final vote is scheduled for early 2003.

Prison conditions generally met international standards; however, public debate continued on the adequacy of prison conditions. In the past several years, credible nongovernmental organizations (NGOs) have reported

overcrowding and unacceptable hygiene conditions in prisons. In September Parliament approved a prison reform bill that provided for the replacement of old prisons and the building of space for 13,200 more prisoners. The Government began construction and anticipated completing its plan to build 30 new prisons by 2006.

According to the Ministry of Justice, there were 54,950 persons in custody as of June. There was no evidence of deaths in prison due to mistreatment during the year. The Ministry of Justice reported 235 deaths of persons in custody in 2001, of which 104 were suicides. The country does not keep statistics on causes of death of prisoners other than suicide. The NGO French Prison Suicide Observatory reported 116 suicides and suspicious deaths during the year.

Men and women were held separately, juveniles were held separately from adults, and convicted criminals were held separately from pretrial detainees and those serving sentences of less than 1 year.

The Government permitted prison visits by independent human rights observers. The Council of Europe's Committee for the Prevention of Torture visited the country in June but had not released a report of its findings by year's end.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, credible sources have criticized the judicial system for its inability to process suspects quickly. Some suspects spend many years in prison before a trial. According to the Prison Administration, as of June 18,598 of the 54,950 persons held in jails and prisons were awaiting trial.

Police are required by law to obtain warrants prior to taking persons into custody. Detainees have access to lawyers. Suspects must have access to a lawyer within 1 hour of being detained. Pretrial detention is generally only allowed if there is a possibility that the suspect would be sentenced to more than 3 years in prison for crimes against persons and to more than 5 years in prison for crimes against property. There is a system of bail.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The court system includes local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only. Prospective magistrates compete for entry into the National School for Judges; upon completion of their course of study and rigorous exams, magistrates are placed according to their class ranking.

The judicial system has been criticized by credible sources for its inability to process suspects quickly (see Section 1.d.). In cases of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. The chambre d'accusation reviews the investigating judge's investigation to determine whether the charge established by the investigating judge was appropriate. The Court of Assises investigates and decides cases involving serious criminal offenses.

There were no significant developments during the year in Abdelhamid Hakkar's suit before the European Court of Human Rights (ECHR) charging that the Government violated Article 5 of the European Convention on Human Rights by keeping him in provisional detention for 5 years.

Omar Raddad, convicted of murder in 1994 and later pardoned by President Chirac, submitted a motion for a retrial in 1999 after new DNA evidence was discovered. On November 20, the Court of Revision determined that there was insufficient evidence to merit either a retrial or the annulment of Raddad's original conviction. Raddad stated his intention to appeal to the ECHR.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Wiretapping is recognized as a legal right of the Government. The judge investigating the 1999 wiretapping cases deemed inappropriate by the National Commission for the Regulation of Wiretapping (NCRWT) presented his findings to the Paris public prosecutor's office in February 2000; that office was considering the matter at year's end. According to the 2001 report of the NCRWT, the number of requests for administrative wiretaps increased from 3,161 in 2000 to 4,625 in 2001.

Some religious minorities have experienced problems with the wearing of special religious clothing (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. However, an 1881 press law that may be used to restrict freedom of expression remained in force despite criticism from the ECHR.

The independent media was active and competitive and expressed a wide variety of views without Government restriction. Internet access was widely available and unrestricted.

In June the ECHR found that the prosecution of two journalists under the 1881 press law prohibiting insulting foreign leaders was unjustified, and the court criticized the law as outdated. The ECHR found that the Paris Court of Appeals interfered with the freedom of expression of two journalists in its 1995 ruling that they had insulted King Hassan II of Morocco. In a separate case, three African heads of state invoked the same law in their suit against the author and publisher of the book, "Noir Silence." In 2001 a French court dismissed the case on the grounds that the 1881 law restricted speech in a manner incompatible with the European Convention on Human Rights. The plaintiffs appealed, but in July, the Paris Court of Appeals dismissed the case.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. Regular demonstrations on various issues occurred without incident.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The 1905 law on the separation of church and state prohibits discrimination on the basis of faith. Minority religious groups continued to be concerned about the possible impact of legislation passed in 2001.

In order to receive tax-exempt status, religious groups must apply with the local prefecture to be recognized as an association of worship and disclose certain management and financial information.

The Government has encouraged public caution toward some minority religious groups that it may consider to be cults. A 1996 parliamentary commission report identified as so-called cults 173 groups, including Jehovah's Witnesses, the Theological Institute of Nimes (an evangelical Christian Bible college), and the Church of Scientology. Members of some of the groups included in the list have alleged instances of intolerance due to the ensuing publicity. The "Interministerial Mission in the Fight Against Sects/Cults" (MILS) was formed in 1998 to coordinate government monitoring of sects/cults. In February MILS released its annual report on the monitoring of cults. The president of MILS resigned in June under criticism and an interministerial working group was formed to determine the future parameters of the Government's monitoring of sects/cults. In November the Government announced the formation of the Interministerial Monitoring Mission Against Sectarian Abuses (MIVILUDES), which is charged with observing and analyzing sect/cult movements that constitute a threat to public order or that violate French law, coordinating the appropriate response, informing the public about potential risks, and helping victims to receive aid. In its announcement of the formation of MIVILUDES, the Government acknowledged that its predecessor, MILS, had been criticized for certain actions abroad that could have been perceived as contrary to

religious freedom.

Religious organizations remained concerned about the June 2001 About-Picard law, which tightens restrictions on associations and provides for the dissolution of groups, including religious groups, under certain conditions. By the end of the year, no cases had been brought under the new law. In November the Council of Europe passed a resolution inviting the Government to reconsider the About-Picard law and to clarify certain terms in it, stating that only the ECHR could make a determination as to the law's compatibility with the European Convention on Human Rights.

Some observers were concerned about the tax authorities' scrutiny of the financial records of some religious groups. On February 28, the Versailles Court of Appeals upheld a Nanterre court's 2000 decision that the Jehovah's Witnesses must pay more than \$47.5 million (45.7 million euros) in back taxes. The Jehovah's Witnesses, some branches of which are not recognized as tax-exempt religious organizations, were appealing the decision to the Court of Cassation at year's end.

In 2001 local authorities in La Rochelle and Lorient refused to rent Jehovah's Witnesses public space for meetings, citing as a basis for their decision the inclusion of the group in the 1996 parliamentary report on sects. In February and May, administrative tribunals overturned each city's decision, concluding that the parliamentary report had no legal basis and that the cities could not refuse the group access to public space.

In 2001 charges were filed against the Church of Scientology for fraud and false advertising in a lawsuit brought by three former members. In May the court found the Paris branch guilty of violating the privacy of former members and fined it approximately \$8,316 (8,000 euros); however, the branch was cleared of attempted fraud and false advertising. The court fined the president of the Ile-de-France section of the organization approximately \$2,079 (2,000 euros). Church of Scientology representatives reported that a case filed by a parent whose child attended an "Applied Scholastics"-based school remained ongoing.

Foreign missionaries from countries not exempted from visa requirements to enter the country must obtain a 3-month tourist visa before leaving their own country. All missionaries who wish to remain in the country longer than 90 days must obtain visas before entering the country. Upon arrival, they must apply with the local prefecture for a carte de sejour (a document that allows a foreigner to remain in the country for a given period of time) and must provide the prefecture a letter from their sponsoring religious organization.

Debate continues over whether denying some Muslim girls the right to wear headscarves in public schools constitutes a violation of the right to religious freedom. Various courts and government bodies have considered the question on a case-by-case basis; however, there has been no definitive national decision on this issue.

The State subsidizes private schools, including church-affiliated schools. Central or local governments own and provide upkeep for religious buildings constructed before the 1905 law separating church and state.

During the year, some religious minorities experienced problems. In the first half of the year, the number of anti-Semitic incidents increased. Attacks ranged from graffiti and harassment to cemetery desecration and firebombing, mainly as a result of increased tensions in the Middle East. According to the press, the police reported approximately 400 incidents from March 29 to April 17, with the most serious occurring over the Easter-Passover weekend. French authorities increased security for Jewish institutions, investigated the attacks, and made arrests. Disaffected youths were apparently responsible for many of the incidents.

In addition, several incidents occurred against members of the large Arab/Muslim community, including incidents of harassment and vandalism.

Scientologists continued to report cases of societal discrimination during the year. Panda International software company claimed that press reports in 2001 and critical statements by government officials linking it to the Church of Scientology continued to cause a significant loss in business.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum. In 2001 the Government received 47,291 requests for asylum and issued 7,323 refugee certificates (a document issued to successful asylum applicants).

During the year, thousands of illegal immigrants massed in Calais, in the north of France, and staged attempts to cross into Britain through the trans-Channel rail tunnel connecting France and England. These migrants were allowed to seek refuge in shelters and to apply for asylum, but many refused and tried to enter the United Kingdom. In November Sangatte, an overcrowded Red Cross refugee center in Calais that was seen as a "magnet" for illegal migrants, was closed to new occupants under a Franco-British accord. The accord also improved security at the Channel tunnel. Sangatte was closed permanently in December and its remaining occupants were granted asylum in either the United Kingdom (1,000) or France (150). Asylum-seekers continued to come to Calais to attempt to cross to the United Kingdom; finding Sangatte closed, some slept in the streets, public buildings, and churches. The Government required them to use other refugee centers in the vicinity and to apply for asylum.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

There were 101 women in the 898-seat legislature and 10 women ministers in the 38-member Cabinet. Of the 190 members of the Court of Cassation, 74 were women. Thirty-five of France's 87 elected representatives to the European Union (EU) Parliament were female. In 2001 a constitutional amendment was implemented requiring parties to have equal numbers of women and men on their list of candidates or face fines. The amendment had a more significant impact on municipal elections than on national elections. As a result, the proportion of women elected in municipal councils increased from 25 percent in 1995 to 50 percent in 2001. The percentage of towns with populations greater than 3,500 that have female mayors grew from 5 percent in 1995 to 7 percent in 2001. The President and the Prime Minister continued discussions on modernizing the country's political institutions, including measures to encourage a greater number of women in political, social, and public positions.

The citizens of the collective territory of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to France by means of referendums and, along with the overseas departments, they elect deputies and senators to the French Parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The National Consultative Commission on Human Rights (NCCHR)--an independent body in the Office of the Prime Minister--which has nongovernmental as well as governmental members also monitored complaints and advised the Government on policies and legislation.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Statutes ban discrimination based on race, sex, ethnic background, or political opinion.

Women

The Penal Code prohibits rape and spousal abuse, and in general these laws were enforced; however, violence against women remained a problem. The Ministry of Interior reported that in 2001 there were 9,574 rapes and 15,273 instances of other criminal sexual assault; in 2001 there were 1,718 convictions for rape. The penalties for domestic violence vary according to the type of crime and range from 3 years' imprisonment and a fine of approximately \$46,778 (45,000 euros) to 20 years in prison. The penalty for rape is 15 years in prison, which may be increased due to other circumstances (such as the age of the victim or the nature of the relationship of the rapist to the victim). The Government sponsored and funded programs for women who were victims of violence,

including shelters, counseling, and hot lines. Numerous private associations also assisted abused women.

On October 4, in the Parisian suburb of Vitry-sur-Seine, a 17-year-old woman named Sohane, was burned to death in an attack by 19-year-old Jamal Derrar. Derrar was taken into police custody on October 6 and was awaiting trial at year's end. Although the killing was an isolated incident, press reports and civil rights NGOs linked the incident to the "repressive atmosphere" in some suburbs dominated by immigrants from Arab countries. Some men in these suburbs reportedly intimidated women whom they perceived as breaking with social norms. The Government and NGOs have spoke out to condemn this behavior, which ranged from verbal abuse to physical assault and rape. On October 14, President Chirac announced the creation of an "independent authority" to combat all forms of discrimination, especially that against women.

Prostitution is legal; acting as a pimp is illegal. Trafficking in women for the purpose of sexual exploitation was a problem (see Section 6.f.). A government agency, the Central Office on the Treatment of Human Beings (OCRTEH), addresses trafficking in women, prostitution, and pimping.

The law prohibits sex-based job discrimination and sexual harassment in the workplace. In January the Social Modernization Law modified existing laws on sexual harassment to prohibit harassment by colleagues as well as supervisors, to place on the employer the burden of proof that discrimination did not take place, and to create a mediation process to help workplaces address problems with harassment.

The law requires that women receive equal pay for equal work; however, this requirement often was not implemented in practice. Reports by various governmental organizations and NGOs have indicated that men continued to earn more than women and that unemployment rates continued to be higher for women than for men. The National Institute of Statistics and Economic Studies reported that in 2002 the unemployment rate for women was 10.1 percent, compared with 8.2 percent for men.

Children

The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

There are strict laws against child abuse, particularly when committed by a parent or guardian, and the Government effectively prosecuted abusers. Child abuse was a problem, which the Government took steps to address. In 2001 there were approximately 18,000 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children, compared with 18,300 in 2000. Approximately 5,900 of these cases involved reports of sexual abuse. Special sections of the national police and judiciary are charged with handling these cases. In 2001 there were 502 convictions for rapes of minors under the age of 15 and 3,750 convictions for cases of sexual assault against minors. In 2001 there were 7,961 convictions for cases of violence, mistreatment, and abandonment of minors. The Government provided counseling, financial aid, foster homes, and orphanages for victims, depending on the extent of the problem. Various associations also helped minors seek justice in cases of mistreatment by parents.

Trafficking in girls was a problem, which the Government took steps to address (see Section 6.f.).

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services.

A 1991 law requires new public buildings to be accessible to persons with disabilities; however, many older buildings and public transportation were not accessible.

National/Racial/Ethnic Minorities

Anti-immigrant sentiments led to some incidents of violence and discrimination, including occasional attacks on members of the large Arab/Muslim and black African communities. The annual NCCHR report noted an increase in the number of reported incidents of racist threats--163 threats were reported in 2001, compared with 129 in 2000; there were 38 incidents of racist violence in 2001, compared with 30 in 2000. According to the report, there were no deaths due to racist violence in 2001.

On October 4, two cafes frequented by North Africans in the outskirts of Dunkerque were the targets of drive-by shootings. A 17-year-old man was killed and three people were injured in the attacks. The investigation remained ongoing at year's end.

The Government has criticized strongly such actions and attacks and has strict antidefamation laws. Government programs attempted to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There also were antiracist educational programs in some public school systems.

During the year, the Government launched a campaign against racism and worked with NGOs to sensitize people to the problems of racism and discrimination through advertising campaigns, public service messages, and reminders that racial discrimination is punishable by 2 years imprisonment and a \$31,185 (30,000 euros) fine. The campaign also publicized the Government's free hot line to report discrimination. The hot line, a joint project of the Ministry of Labor and the NGO Group for Study and Combat of Discrimination (GELD), received over 86,594 calls between its debut in May 2000 and the end of May 2002.

On December 10, the French National Assembly voted unanimously in favor of a new law to toughen penalties for crimes of a "racist, anti-Semitic, or xenophobic" nature. The new law calls for harsher sentences for perpetrators of "physical or material violence committed because of the victim's membership or nonmembership, real or supposed, in an ethnicity, nationality, race, or specific religion." This law would double the prison sentences and increase fines for racist violence. The Senate is scheduled to consider the bill in 2003.

Section 6. Worker Rights

a. The Right of Association

The Constitution provides for freedom of association for all workers, and workers exercised this right. Trade unions exercised significant economic and political influence, although less than 10 percent of the work force was unionized. Unions have legally mandated roles (as do employers) in the administration of social institutions, including social security (health care and most retirement systems), the unemployment insurance system, labor courts, and the Economic and Social Council, a constitutionally mandated consultative body. Unions and labor federations were independent of the Government, and most were not aligned with any political party; however, many of the leaders of the General Confederation of Labor and its unions belonged to the Communist Party.

The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including the reinstatement of workers fired for union activities.

Unions were permitted to join federations and confederations, including international bodies, and many did so.

b. The Right to Organize and Bargain Collectively

Workers, including those in the three small export processing zones, have the right to organize and bargain collectively, and workers exercised this right. The law requires at least annual bargaining in the public and private sector on wages, hours, and working conditions at both plant and industry levels but does not require that negotiations result in a signed contract. In case of an impasse, government mediators may impose solutions that are binding unless formally rejected by either side within a week. If no new agreement can be reached, the contract from the previous year remains valid. Over 90 percent of the private sector work force was covered by collective bargaining agreements negotiated at national or local levels. Trilateral consultations (unions, management, and Government) also take place on such subjects as the minimum wage, the duration of the legal workweek, temporary work, social security, and unemployment benefits. Labor tribunals, composed of worker and employer representatives, were available to resolve complaints.

The law requires businesses with more than 50 employees to establish a works council, through which workers are consulted on training, working conditions, profit sharing, and similar issues. Works councils, which are open to both union and nonunion employees, are elected every 2 years.

Workers, including civil servants, have the right to strike except when a strike threatens public safety. One-fourth of all salaried employees worked for the Government; however, the Ministry of Social Affairs did not track the number of workdays lost to strike action in the public sector. The number of workdays lost to strike action in the private sector in 2001 decreased by 16 percent, and the number of strikes fell by 26 percent.

Most unions did not call strikes during the first half of the year, when public attention was focused on presidential and legislative elections in April, May, and June. However, private physicians held a series of 1-day strikes in the spring, seeking a government increase in patients' fees per visit. Their demands were met after the new Government was installed. In late spring, the economy slowed and the number of layoffs increased; strikes in the private sector during this time remained uncommon. However, workers in the public sector called a series of strike actions in the fall. Their principal concerns were a de facto return to the 39-hour workweek, a reduction in the overall number of civil servants, the end of guaranteed life employment contracts, and the reform of the retirement system.

In September pilots at Air France went on strike demanding higher pay and protested plans to partially privatize the airline. In October 40,000 utility workers staged a march to protest plans for layoffs and decreased retirement benefits. The same issues concerned workers at the public rail company.

In October 50,000 members of the education sector demonstrated to protest the 2003 budget. In November truckers, air traffic controllers, postal workers, driving test examiners, French telecom employees, and the regional transport system employees staged various strikes. A rail workers strike in the southwest of the country began on November 26 and ended on December 11.

The law prohibits retaliation against strikers, strike leaders, and union members, and in general the Government effectively enforced this provision.

The Constitution's provisions for trade union rights extend to the country's overseas departments and territories.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry, children under the age of 16 may not be employed. In general, work considered arduous, or work between the hours of 10 p.m. and 5 a.m., may not be performed by minors under age 18. Laws prohibiting child employment were enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law.

e. Acceptable Conditions of Work

The administratively determined minimum wage is revised whenever the cost-of-living index rises two percentage points. This year it was \$7.10 (6.83 euros) per hour. This wage represented the maximum rate of a multi-step minimum wage scale, which was created to lower the burden of the 35-hour workweek for small and medium sized companies. The minimum wage provided a decent standard of living for a worker and family.

The new center-right Government introduced legislation to revise the laws on working conditions. The legal workweek was 35 hours. In September the Labor and Social Affairs Minister presented a plan to raise the annual overtime ceiling from 130 to a maximum of 180 hours (depending on the employment sector); the plan went into immediate effect and allowed a de facto return to the 39-hour workweek.

The Ministry of Labor has overall responsibility for policing occupational health and safety laws. Standards were high and effectively enforced. The law requires each enterprise with 50 or more employees to establish an occupational health and safety committee. Over 75 percent of all enterprises, covering more than 75 percent of all employees, have fully functioning health and safety committees. Workers have the right to remove themselves from dangerous work situations.

f. Trafficking in Persons

The law prohibits the trafficking of persons; however, trafficking in women and girls for prostitution and domestic slavery was a problem.

In January the Government passed a bill to eliminate human trafficking. The law creates a specific infraction in the

penal code focused on trafficking in persons.

Prostitution is legal; however, the law prohibits pimping, including aiding, assisting, maintaining, or profiting from the prostitution of another, and the public solicitation of another person for the purpose of inciting sexual relations also is illegal. Pimps and traffickers usually were prosecuted under these laws. Aiding, abetting, or protecting the prostitution of another person; obtaining a profit, sharing proceeds or receiving subsidies from someone engaged in prostitution; or employing, leading, corrupting, or pressuring someone into prostitution are punishable by up to 5 years in prison and a fine of up to approximately \$145,530 (140,000 euros). Penalties increased to a maximum of 10 years in prison and approximately \$1.46 million (1.4 million euros) if a minor or several persons are involved, or if force is used. Pimping by organized groups is punishable by up to 20 years in prison and a fine of up to \$2.9 million (2.8 million euros). The use of "torture" or "barbarous acts" in the course of pimping is punishable by up to life imprisonment and up to \$4.37 million (4.2 million euros) in fines. These laws were enforced to various degrees; there also are strict laws combating trafficking in persons as it relates to domestic slavery. Slavery is punishable by up to 2 years' imprisonment and \$73,800 (71,000 euros). When the crime applies to more than one victim, punishments increase to 5 years' imprisonment and \$145,530 (140,000 euros) in fines.

The Government used existing legislative tools to further combat prostitution and trafficking networks. One set of laws targets the client; the other targets the prostitute. Soliciting sex from a prostitute is a minor offence subject to a fine; however, legislators under pressure from the Minister of Interior moved to categorize this behavior as a crime. The second tool being used to combat prostitution is to charge the client with the offense of "sexual exhibition" (engaging in sexual behavior in public). Prostitutes may also be prosecuted for touting sex or "sexual exhibition." Constituents criticized mayors of large cities including Strasbourg, Bordeaux, and Lyon for the highly visible prostitution in those cities; as a result, the local governments moved prostitutes away from the city centers, schools and public institutions by invoking a police decree against stationing prostitutes within city limits.

In March new laws that target clients of child prostitutes took effect. They prohibit solicitation of sex with a minor in exchange for money and make this a crime punishable by up to 10 years in jail and a maximum fine of \$207,900 (200,000 euros). In July two men were charged in separate cases after being caught by authorities with Romanian child prostitutes, but judgements had not been rendered by year's end. In October a man in Bordeaux was convicted for sexual relations with a child prostitute and required to pay \$260 (250 euros) of the \$1,040 (1,000 euros) fine originally imposed.

Several law enforcement agencies were involved in the effort to combat trafficking. OCRTEH was under the authority of the central criminal investigation directorate of the police judiciaire, which handled organized crime. OCRTEH centralized information and coordinated operations to counter trafficking and maintained contacts with the police, the Gendarmerie, the border police, foreign and international law enforcement authorities, and NGOs. Regional services of the police judiciaire also combat trafficking, and the police judiciaire had brigades to combat pimping in Paris and Marseille. Local police forces also addressed problems of prostitution and pimping.

The Government regularly cooperated on a bilateral basis or with international institutions such as Europol to investigate, track, and dismantle trafficking rings. In early October, a multinational operation dubbed "Girasole" (Sunflower) led to 80 arrests and the dismantling of a major trafficking network that operated out of the Ukraine, but was also present in France, Spain, Germany, and Austria.

In July 2001, police broke up a human trafficking ring involving at least 12 non-French traffickers operating from a refugee center in Calais, where they were accused of trafficking people through the Channel tunnel to the United Kingdom (see Section 2.d.). In January the court in Boulogne sentenced the primary organizers to periods ranging from 4 to 6 years in jail. The other members of the ring were given shorter sentences.

The country was a destination for trafficked victims, primarily women from Moldova, Ukraine, and Romania. Women were also trafficked from Haiti and Africa, particularly Nigeria, Togo, and the Democratic Republic of the Congo. The number of women trafficked from the former Soviet Union, Eastern Europe, and the Balkans increased and received increased press attention. In general victims were trafficked into sexual exploitation or domestic slavery. In addition, the country was a transit point for women trafficked for sexual purposes from South America and Eastern and Southern Europe.

NGOs estimated that there were between 3,000 and 8,000 child prostitutes in the country. The majority were brought in illegally and exploited by organized crime networks. Most were between 15 and 18 years old; however, some were as young as 10 years old. The girls were primarily trafficked from Eastern Europe (Albania, Kosovo, Ukraine, Bulgaria, Russia, and the Czech Republic) and West Africa (Sierra Leone, Nigeria, Ghana, and Cameroon). The country was also a destination for trafficked Romanian children, many of Romani descent. These children have traditionally been widely used by their handlers as beggars and thieves throughout the country. Many

of these child thieves/beggars increasingly turned to prostitution. In October Minister of Interior Sarkozy and the Romanian Minister of Foreign Affairs signed an agreement that would return Romanian children and prostitutes illegally in France to Romania. The first deportations under this agreement took place in December.

There were organized rings of traffickers, primarily from southeast Europe, and the number of young women, often between the ages of 16 and 19, brought into the country to work as prostitutes continued to increase. Many women and girls were resold from one network to another, and the open borders under the Schengen Accords made it difficult for police to monitor and count them. During the year, officials estimated that the prostitution trade had increased by 30 percent since 1997. Police estimated that of the 12,000 to 15,000 women prostitutes who worked in France, as many as 90 percent were forced into the trade by "micro-trafficking networks." Some victims came as a result of fraud or force; some were brought by a friend, or a friend of a friend; others had worked as prostitutes in their home countries and were willing to continue the practice to pay for their immigration papers. Traffickers used methods ranging from the confiscation of the victim's identification papers to cultural isolation to physical or psychological abuse.

In September media reports stated that Nigerian organized crime groups were taking over the African prostitution market in the country. The traditional African "mamas" and their volunteer prostitute networks were being forced out in favor of a more strictly controlled sexual slave trade. The articles claimed that African prostitutes constituted 35 percent of all prostitutes in the country, surpassing the number of prostitutes from Eastern Europe (25 percent). The influx of new women exacerbated turf wars between the different organized crime groups operating the trafficking networks in the country.

Aide Sociale a l'Enfance (ASE), the national social services branch for childcare, was responsible for caring for and assisting victims under the age of 22. The Government had no specific protection programs in place for trafficking victims. Those victims located or arrested by the authorities normally were processed as illegal immigrants and may be detained or jailed. Trafficking victims may be granted temporary residency while they apply for asylum. Victims were encouraged to file legal action against traffickers. The Government worked closely with other countries and NGOs to combat trafficking. The Government supported trafficking prevention programs as part of the EU, including information and media campaigns, seminars, and a trafficking prevention project in West Africa. ASE worked closely with the Office for the Protection of Refugees and Stateless Persons. The Committee Against Modern Slavery brought cases of domestic and modern slavery to the authorities for prosecution.

Numerous NGOs dealt with trafficking in persons and prostitution. The Parada Association worked towards integrating Romanian child beggars and prostitutes into society. The Scelles Foundation, which had a center for international research and documentation of sexual exploitation, provided information to the media on the issue and supported other associations in the country and around the world. The NGO L'Amicale du Nid worked directly with prostitutes.